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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

AARON CHRISTOPHER MOORE
10156 Van Brocklin Way
Elk Grove, California 95757

Registered Nurse License No. 565813

Respondent.

Case No. *2004-325*

**ACCUSATION
AND
PETITION
TO REVOKE PROBATION**

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about March 31, 2000, the Board issued Registered Nurse License No. 565813 to Aaron Christopher Moore ("Respondent"). The license will expire on November 30, 2009, unless renewed.

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1 8. Code section 2762 states, in pertinent part:

2 In addition to other acts constituting unprofessional conduct
3 within the meaning of this chapter [the Nursing Practice Act], it is
4 unprofessional conduct for a person licensed under this chapter to
5 do any of the following:

6 (a) Obtain or possess in violation of law, or prescribe, or
7 except as directed by a licensed physician and surgeon, dentist, or
8 podiatrist administer to himself or herself, or furnish or administer
9 to another, any controlled substance as
10 defined in Division 10 (commencing with Section 11000) of the
11 Health and Safety Code or any dangerous drug or dangerous
12 device as defined in Section 4022.

13 9. Code section 4060 states, in pertinent part:

14 No person shall possess any controlled substances, except that
15 furnished to a person upon the prescription of a physician, dentist,
16 podiatrist, optometrist, veterinarian, or naturopathic doctor . . .

17 10. Health and Safety ("H&S") Code section 11173, subdivision (a), provides
18 that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to
19 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
20 misrepresentation, or subterfuge, or (2) by the concealment of a material fact.

21 COST RECOVERY

22 11. Code section 125.3 provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licensee found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

26 ACCUSATION

27 CAUSE FOR DISCIPLINE

28 (Obtain and Possess Controlled Substances in Violation of Law; Self Administration)

1 12. Respondent has subjected his license to discipline under Code section
2 2762, subdivision (a), on the grounds of unprofessional conduct, in that while on duty as a
3 registered nurse at Kaiser South, Sacramento, California, Respondent committed acts, as follows:

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a. From approximately December 10, 2007, to April 7, 2008, Respondent obtained unknown quantities of controlled substances by taking the drugs from the ER Pyxis Medication Machine at Kaiser South, in violation of H&S Code section 11173, subdivision (a).

b. From approximately December 10, 2007, to April 7, 2008, Respondent possessed unknown quantities of controlled substances in violation of Code section 4060.

c. From approximately December 10, 2007, to April 7, 2008, Respondent self-administered controlled substances without lawful authority.

PETITION TO REVOKE PROBATION

13. Grounds exist for revoking the probation and reimposing the order of revocation of Respondent's Registered Nurse License No. 565813. Condition 12 of the Decision and Order states:

If Respondent violates the conditions of his probation, the Board after giving the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of the Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license, or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

14. Respondent has violated the Probation Program, as set forth in the following paragraphs:

FIRST CAUSE TO REVOKE PROBATION

(Failure to Abstain from the Use of Psychotropic [Mood-Altering Drugs])

15. At all times after the effective date of Respondent's probation, Condition

16, stated:

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood-altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so and are part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the

1 medication was prescribed, Respondent's prognosis, the date
2 the medication will no longer be required, and the effect on the
recovery plan, if appropriate.

3 Respondent shall identify for the Board a single physician,
4 nurse practitioner or physician assistant who shall be aware of
Respondent's history or substance abuse and will coordinate
5 and monitor any prescriptions for Respondent for dangerous
drugs, controlled substances or mood-altering drugs. The
6 coordinating physician, nurse practitioner or physician assistant
shall report to the Board on a quarterly basis Respondent's
7 compliance with this condition.

8 If any substances considered addictive have been prescribed,
the report shall identify a program for the time limited use of
9 any such substances.

10 The Board may require the single coordinating physician,
nurse practitioner or physician assistant to be a specialist in
11 addictive medicine or to consult with a specialist in addictive
medicine.

12 16. Respondent's probation is subject to revocation because he failed to
13 comply with Probation Condition 16, referenced above. The facts and circumstances regarding
14 this violation are that from approximately December 10, 2007, to April 7, 2008, Respondent
15 failed to completely abstain from the possession and use of controlled substances, as more
16 particularly set forth in paragraph 12, subparagraphs a and b, above.

17 **SECOND CAUSE TO REVOKE PROBATION**

18 **(Failure to Participate in the Board's Drug Screening)**

19 17. At all times after the effective date of Respondent's probation, Condition
20 17, stated:

21 Respondent, at his expense, shall participate in a random,
22 biological fluid testing or a drug screening program which the
Board approves. The length of time and frequency will be
23 subject to approval by the Board. Respondent is responsible
for keeping the Board informed of Respondent's current
24 telephone number at all times. Respondent shall also ensure
that messages may be left at the telephone number when he is
25 not available and ensure that reports are submitted directly by
the testing agency to the Board, as directed. Any confirmed
26 positive finding shall be reported immediately to the Board by
the program and Respondent shall be considered in violation of
27 probation.

28 In addition, Respondent, at any time during the period of
probation, shall fully cooperate with the Board or its

1 representatives, and shall, when requested, submit to such tests
2 and samples as the Board or its representatives may require for
3 the detection of alcohol, narcotics, hypnotics, dangerous drugs,
4 or other controlled substances.

5 If Respondent has a positive drug screen for any substance
6 not legally authorized and not reported to the coordinating
7 physician, nurse practitioner or physician assistant, and the
8 Board files a petition to revoke probation or an accusation, the
9 Board may suspend Respondent from practice pending the final
10 decision on the petition to revoke probation or the accusation.
11 This period of suspension will not apply to the reduction of this
12 probationary period. . . .

13 18. Respondent's probation is subject to revocation because he failed to
14 comply with Probation Condition 17, referenced above. The facts and circumstances regarding
15 this violation are that Respondent failed to participate in drug screenings on January 18, 2008,
16 and March 17, 2008. Further, Respondent tested on January 3, 2008, instead of the requested
17 date of January 2, 2008.

18 **THIRD CAUSE TO REVOKE PROBATION**

19 **(Failure to Comply with the Probation Program)**

20 19. At all times after the effective date of Respondent's probation, Condition
21 2 stated:

22 Respondent shall fully comply with the terms and
23 conditions of the Probation Program established by the Board
24 and cooperate with representatives of the Board in its
25 monitoring and investigation of the Respondent's compliance
26 with the Probation Program. Respondent shall inform the
27 Board in writing within no more than 15 days of any address
28 change and shall at all times maintain an active, current
license status with the Board, including during any period of
suspension.

19 20. Respondent's probation is subject to revocation because he failed to
20 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
21 this violation are that Respondent failed to comply with the Board's Probation Program, as set
22 forth in paragraphs 12, 16, and 18, above.

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters
25 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1 1. Revoking the probation that was granted by the Board of Registered
2 Nursing in Case No. 2004-325 and imposing the disciplinary order that was stayed thereby
3 revoking Registered Nurse License No. 565813, issued to Aaron Christopher Moore; and,
4 2. Taking such other and further action as deemed necessary and proper.

5 DATED: 6/6/08
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8 Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
Board of Registered Nursing
10 Department of Consumer Affairs
State of California
11 Complainant
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Exhibit A

**Decision and Order:
Board of Registered Nursing Case No. 2004-325**

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Aaron Christopher Moore
7365 Pocket Road
Sacramento, CA 95831

Case No. 2004-325

Registered Nurse License No. 565813

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on April 21, 2005.

IT IS SO ORDERED March 21, 2005.

Landra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

ORIGINAL

BILL LOCKYER, Attorney General
of the State of California
MAUREEN MCKENNAN STRUMPFER, State Bar No. 161571
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Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2004-325

AARON CHRISTOPHER MOORE
7365 Pocket Road
Sacramento, CA 95831

OAH No. N2004 06 0263

Registered Nurse License No. 565813

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by
Maureen McKennan Strumpfer, Deputy Attorney General.

2. AARON CHRISTOPHER MOORE (Respondent) is representing himself
in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about March 31, 2000, the Board of Registered Nursing issued
Registered Nurse License No. 565813 to AARON CHRISTOPHER MOORE (Respondent). The
License was in full force and effect at all times relevant to the charges brought in Accusation

1 No. 2004-325 and will expire on November 30, 2005, unless renewed.

2 JURISDICTION

3 4. Accusation No. 2004-325 was filed before the Board of Registered
4 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
5 The Accusation and all other statutorily required documents were properly served on Respondent
6 on May 26, 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A
7 copy of Accusation No. 2004-325 is attached as exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Accusation No. 2004-325. Respondent has also carefully read, and understands the effects of
11 this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
15 the right to present evidence and to testify on his own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Accusation No. 2004-325.

24 9. Respondent agrees that his Registered Nurse License is subject to
25 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
26 Disciplinary Order below.

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1 13. The parties understand and agree that facsimile copies of this Stipulated
2 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
3 force and effect as the originals.

4 14. In consideration of the foregoing admissions and stipulations, the parties
5 agree that the Board may, without further notice or formal proceeding, issue and enter the
6 following Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Registered Nurse License No. 565813 issued to
9 Respondent AARON CHRISTOPHER MOORE is revoked. However, the revocation is stayed
10 and Respondent is placed on probation for three (3) years on the following terms and conditions.

11 **Severability Clause.** Each condition of probation contained herein is a separate
12 and distinct condition. If any condition of this Order, or any application thereof, is declared
13 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
14 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
15 and enforceable to the fullest extent permitted by law.

16 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
17 A full and detailed account of any and all violations of law shall be reported by Respondent to
18 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
19 compliance with this condition, Respondent shall submit completed fingerprint forms and
20 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
21 as part of the licensure application process.

22 **Criminal Court Orders:** If Respondent is under criminal court orders, including
23 probation or parole, and the order is violated, this shall be deemed a violation of these probation
24 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

25 2. **Comply with the Board's Probation Program.** Respondent shall fully
26 comply with the conditions of the Probation Program established by the Board and cooperate
27 with representatives of the Board in its monitoring and investigation of the Respondent's
28 compliance with the Board's Probation Program. Respondent shall inform the Board in writing

1 within no more than 15 days of any address change and shall at all times maintain an active,
2 current license status with the Board, including during any period of suspension.

3 Upon successful completion of probation, Respondent's license shall be fully
4 restored.

5 **3. Report in Person.** Respondent, during the period of probation, shall
6 appear in person at interviews/meetings as directed by the Board or its designated
7 representatives.

8 **4. Residency, Practice, or Licensure Outside of State.** Periods of
9 residency or practice as a registered nurse outside of California shall not apply toward a reduction
10 of this probation time period. Respondent's probation is tolled, if and when he resides outside of
11 California. Respondent must provide written notice to the Board within 15 days of any change of
12 residency or practice outside the state, and within 30 days prior to re-establishing residency or
13 returning to practice in this state.

14 Respondent shall provide a list of all states and territories where he has ever been
15 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
16 provide information regarding the status of each license and any changes in such license status
17 during the term of probation. Respondent shall inform the Board if he applies for or obtains a
18 new nursing license during the term of probation.

19 **5. Submit Written Reports.** Respondent, during the period of probation,
20 shall submit or cause to be submitted such written reports/declarations and verification of actions
21 under penalty of perjury, as required by the Board. These reports/declarations shall contain
22 statements relative to Respondent's compliance with all the conditions of the Board's Probation
23 Program. Respondent shall immediately execute all release of information forms as may be
24 required by the Board or its representatives.

25 Respondent shall provide a copy of this Decision to the nursing regulatory agency
26 in every state and territory in which he has a registered nurse license.

27 **6. Function as a Registered Nurse.** Respondent, during the period of
28 probation, shall engage in the practice of registered nursing in California for a minimum of 24

1 hours per week for 6 consecutive months or as determined by the Board.

2 For purposes of compliance with the section, "engage in the practice of registered
3 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
4 work in any non-direct patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice
6 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
7 Board.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of his good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent's probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation shall apply.

14 7. **Employment Approval and Reporting Requirements.** Respondent
15 shall obtain prior approval from the Board before commencing or continuing any employment,
16 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
17 performance evaluations and other employment related reports as a registered nurse upon request
18 of the Board.

19 Respondent shall provide a copy of this Decision to his employer and immediate
20 supervisors prior to commencement of any nursing or other health care related employment.

21 In addition to the above, Respondent shall notify the Board in writing within
22 seventy-two (72) hours after he obtains any nursing or other health care related employment.
23 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated
24 or separated, regardless of cause, from any nursing, or other health care related employment with
25 a full explanation of the circumstances surrounding the termination or separation.

26 8. **Supervision.** Respondent shall obtain prior approval from the Board
27 regarding Respondent's level of supervision and/or collaboration before commencing or
28 continuing any employment as a registered nurse, or education and training that includes patient

1 care.

2 Respondent shall practice only under the direct supervision of a registered nurse
3 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
4 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
5 are approved.

6 Respondent's level of supervision and/or collaboration may include, but is not
7 limited to the following:

8 (a) Maximum - The individual providing supervision and/or collaboration is
9 present in the patient care area or in any other work setting at all times.

10 (b) Moderate - The individual providing supervision and/or collaboration is in
11 the patient care unit or in any other work setting at least half the hours Respondent works.

12 (c) Minimum - The individual providing supervision and/or collaboration has
13 person-to-person communication with Respondent at least twice during each shift worked.

14 (d) Home Health Care - If Respondent is approved to work in the home health
15 care setting, the individual providing supervision and/or collaboration shall have person-to-
16 person communication with Respondent as required by the Board each work day. Respondent
17 shall maintain telephone or other telecommunication contact with the individual providing
18 supervision and/or collaboration as required by the Board during each work day. The individual
19 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
20 site visits to patients' homes visited by Respondent with or without Respondent present.

21 9. **Employment Limitations.** Respondent shall not work for a nurse's
22 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
23 traveling nurse, or for an in-house nursing pool.

24 Respondent shall not work for a licensed home health agency as a visiting nurse
25 unless the registered nursing supervision and other protections for home visits have been
26 approved by the Board. Respondent shall not work in any other registered nursing occupation
27 where home visits are required.

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Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$4,000.00 (Four Thousand Dollars). Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

1 12. **Violation of Probation.** If Respondent violates the conditions of his
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 13. **License Surrender.** During Respondent's term of probation, if he ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender his license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
16 will no longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and
18 shall become a part of Respondent's license history with the Board. A registered nurse whose
19 license has been surrendered may petition the Board for reinstatement no sooner than the
20 following minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any
22 reason other than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

24 14. **Physical Examination.** Within 45 days of the effective date of this
25 Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or
26 physician assistant, who is approved by the Board before the assessment is performed, submit an
27 assessment of the Respondent's physical condition and capability to perform the duties of a
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by the
2 Respondent with the physician, nurse practitioner, or physician assistant providing written
3 reports to the Board on forms provided by the Board.

4 If Respondent is determined to be unable to practice safely as a registered nurse,
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
8 shall immediately cease practice and shall not resume practice until notified by the Board.
9 During this period of suspension, Respondent shall not engage in any practice for which a license
10 issued by the Board is required until the Board has notified Respondent that a medical
11 determination permits Respondent to resume practice. This period of suspension will not apply
12 to the reduction of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within
14 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
15 practice until notified by the Board. This period of suspension will not apply to the reduction of
16 this probationary time period. The Board may waive or postpone this suspension only if
17 significant, documented evidence of mitigation is provided. Such evidence must establish good
18 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
19 provided. Only one such waiver or extension may be permitted.

20 **15. Participate in Treatment/Rehabilitation Program for Chemical**
21 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary
22 period or shall have successfully completed prior to commencement of probation a Board-
23 approved treatment/rehabilitation program of at least six months duration. As required, reports
24 shall be submitted by the program on forms provided by the Board. If Respondent has not
25 completed a Board-approved treatment/rehabilitation program prior to commencement of
26 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
27 a program. If a program is not successfully completed within the first nine months of probation,
28 the Board shall consider Respondent in violation of probation.

1 Based on Board recommendation, each week Respondent shall be required to
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
6 such attendance to the Board during the entire period of probation. Respondent shall continue
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
8 mental health examiner and/or other ongoing recovery groups.

9 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
10 shall completely abstain from the possession, injection or consumption by any route of all
11 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
12 the same are ordered by a health care professional legally authorized to do so as part of
13 documented medical treatment. Respondent shall have sent to the Board, in writing and within
14 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
15 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
16 medication will no longer be required, and the effect on the recovery plan, if appropriate.

17 Respondent shall identify for the Board a single physician, nurse practitioner or
18 physician assistant who shall be aware of Respondent's history of substance abuse and will
19 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
20 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
21 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
22 condition. If any substances considered addictive have been prescribed, the report shall identify a
23 program for the time limited use of any such substances.

24 The Board may require the single coordinating physician, nurse practitioner, or
25 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
26 addictive medicine.

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1 17. **Submit to Tests and Samples.** Respondent, at his expense, shall
2 participate in a random, biological fluid testing or a drug screening program which the Board
3 approves. The length of time and frequency will be subject to approval by the Board.
4 Respondent is responsible for keeping the Board informed of Respondent's current telephone
5 number at all times. Respondent shall also ensure that messages may be left at the telephone
6 number when he is not available and ensure that reports are submitted directly by the testing
7 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
8 to the Board by the program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
11 tests and samples as the Board or its representatives may require for the detection of alcohol,
12 narcotics, hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized
14 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
15 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
16 from practice pending the final decision on the petition to revoke probation or the accusation.
17 This period of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug
19 screening program within the specified time frame, Respondent shall immediately cease practice
20 and shall not resume practice until notified by the Board. After taking into account documented
21 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
22 Board may suspend Respondent from practice pending the final decision on the petition to
23 revoke probation or the accusation. This period of suspension will not apply to the reduction of
24 this probationary time period.

25 18. **Mental Health Examination.** Respondent shall, within 45 days of the
26 effective date of this Decision, have a mental health examination including psychological testing
27 as appropriate to determine his capability to perform the duties of a registered nurse. The
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a
2 written report of that assessment and recommendations to the Board. All costs are the
3 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
4 result of the mental health examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse,
6 the licensed mental health care practitioner making this determination shall immediately notify
7 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
9 practice and may not resume practice until notified by the Board. During this period of
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board
11 is required, until the Board has notified Respondent that a mental health determination permits
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within
15 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
16 practice until notified by the Board. This period of suspension will not apply to the reduction of
17 this probationary time period. The Board may waive or postpone this suspension only if
18 significant, documented evidence of mitigation is provided. Such evidence must establish good
19 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
20 provided. Only one such waiver or extension may be permitted.

21 **19. Therapy or Counseling Program.** Respondent, at his expense, shall
22 participate in an on-going counseling program until such time as the Board releases him from this
23 requirement and only upon the recommendation of the counselor. Written progress reports from
24 the counselor will be required at various intervals.

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DATED: 7/21/04

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of the State of California
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5 Telephone: (916) 445-2069
Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2004-325

12 **AARON CHRISTOPHER MOORE**
7365 Pocket Road
13 Sacramento, CA 95831

A C C U S A T I O N

14
15 Registered Nurse License No. 565813

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

- 20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.
- 23 2. On or about March 31, 2000, the Board of Registered Nursing issued
24 Registered Nurse License Number 565813 to AARON CHRISTOPHER MOORE (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on November 30, 2005, unless renewed.

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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 of the Code provides, in pertinent part, that “[t]he board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:”

“(f) Conviction of a felony or of any offense substantially related to the functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.”

8. Section 490 of the Code provides, in pertinent part, that “[a] board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.”

9. California Code of Regulations, Title 16, section 1444, provides, in pertinent part that a crime or act is considered substantially related to the practice of nursing if, to a substantial degree, it evidences a present or potential unfitness to perform nursing functions in a manner consistent with the public health, safety, or welfare.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Code Section 2761(a))

11. Respondent is subject to disciplinary action under section 2761, subdivision (a) on the grounds of unprofessional conduct, in that while employed as a registered nurse at Sutter Medical Center, Sacramento, California, Respondent committed the following acts:

A. On or about June 11, 2001, Respondent acted in an unprofessional manner with Patient J.E.V. in that Respondent was verbally abusive and rude to the patient, and used excessive and inappropriate physical force with patient J.E.V. in removing the patient from the Emergency Department.

SECOND CAUSE FOR DISCIPLINE

(Criminal Conviction-Code Sections 490, 2761(a), 2761(f), and 2762(b))

12. Respondent is subject to disciplinary action under Code sections 490, 2761, subdivision (a), 2761, subdivision (f), and 2762, subdivision (b) based on unprofessional conduct in that Respondent was convicted of a crime, substantially related to the qualifications,

1 functions, or duties of a registered nurse as set forth in California Code of Regulations, Title 16,
2 section 1444, as follows:

3 A. On or about June 14, 2002, in Sacramento Superior Court, Case No.
4 02T00242, entitled *People v. Aaron Christopher Moore*, Respondent was convicted by a jury of a
5 misdemeanor for violating Penal Code section 23152(a), driving a vehicle under the influence of
6 alcohol (DUI), and of violating Penal Code section 2315(b) (willfully and unlawfully driving a
7 vehicle while having a blood alcohol of .08% or more.) The circumstances of the crime were
8 that on or about January 9, 2002, Respondent was stopped by the police and arrested for driving
9 his vehicle while under the influence of alcohol.

10 PRAYER

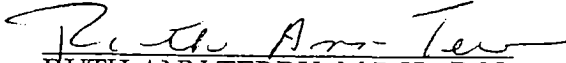
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 565813, issued
14 to AARON CHRISTOPHER MOORE;

15 2. Ordering AARON CHRISTOPHER MOORE to pay the Board of
16 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
17 pursuant to Business and Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 5/11/04

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22 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
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26 SA2004100649

27 moore, christopher, m, revised accusation, new address.wpd

28 mms; 04/26/04